

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 455, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, delete lines 5 through 37.
- 2 Page 4, between lines 36 and 37, begin a new paragraph and insert:
- 3 "SECTION 7. IC 10-4-1-9 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The director of
- 5 each local organization for emergency management may develop or
- 6 cause to be developed mutual aid arrangements with other public and
- 7 private agencies within this state for reciprocal emergency management
- 8 aid and assistance in case of disaster too great to be dealt with
- 9 unassisted. Such arrangements shall be consistent with the state
- 10 emergency management program and state emergency operations plan.
- 11 In time of emergency it shall be the duty of each local organization for
- 12 emergency management and the department to render assistance in
- 13 accordance with the provisions of such mutual aid arrangements.
- 14 (b) The director of each local organization for emergency
- 15 management and disaster may assist in negotiation of reciprocal mutual
- 16 aid agreements between the governor and the adjoining state or its
- 17 political subdivisions and shall carry out arrangements or any such
- 18 agreement relating to the local and political subdivision.
- 19 (c) This subsection applies when the governor finds that two (2) or
- 20 more adjoining counties would be better served by an

interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on an unijurisdictional basis, such as the following:

- (1) Small or sparse population.
- (2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.
- (3) Unusual vulnerability to disaster as evidenced by a past history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.
- (4) The interrelated character of the counties in a multicounty area.
- (5) Other relevant conditions or circumstances.

(d) If the governor finds that a vulnerable area lies only partly within this state and includes territory in another state or states and that it would be desirable to establish an interstate relationship, mutual aid, or an area organization for disaster, the governor shall take steps to that end as are desirable. If action under this subsection is taken with jurisdictions that have enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, any resulting agreement or agreements may be considered supplemental agreements pursuant to article ~~6~~ **7** of that compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate pursuant to subsection (d) have not enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, the governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for its making does not otherwise exist, becomes effective only after its text has been

1 communicated to the legislature and so long as no house of the
2 legislature has disapproved the agreement either by the adjournment of
3 the next ensuing session which is competent to consider the agreement
4 or within thirty (30) days of submission of the agreement, whichever
5 is longer."

6 Renumber all SECTIONS consecutively.
 (Reference is to SB 455 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Bray

Chairperson